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August 17, 2022

By ECF Filing

Honorable Mary Kay Vyskocil
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
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Re: *M.H.-Z. v. NYC Dep't of Educ.*
22-cv-03479-MKV

Dear Judge Vyskocil:

I am, and have been for the past 36 years, a deputy chief in the General Litigation Division of the Office of the Corporation Counsel, attorney for the Defendant New York City Department of Education in the above-referenced action. Because David Thayer will be unavailable at the time of the next-scheduled conference in this matter on Tuesday, August 23, 2022, and because Rule 3.A. of Your Honor's Individual Rules of Practice requires the attendance of the principal trial attorney at all conferences, I am designating myself principal trial attorney in this matter.

I write, pursuant to Fed. R. Civ. P. 60(b), to respectfully request Your Honor's reconsideration of your memorandum endorsement dated August 16, 2022, denying Defendant's letter request dated August 12, 2022 (but filed August 16th) (DE 10) for an adjournment of the initial pretrial conference scheduled for August 23, 2022. Your Honor's memorandum endorsement provides as follows:

The parties' request to adjourn the August 23, 2022 initial pretrial conference is DENIED. This conference was scheduled five weeks ago. In the Court's order scheduling the initial pretrial

conference, the Court admonished the parties that any requests for an extension of any deadline contained therein must be received at least 72 hours before the deadline. The parties' materials for the conference are due today. The parties' request is therefore untimely. SO ORDERED.

I believe that, because Mr. Thayer's letter request was unclear, the Court understandably read the request as seeking an untimely adjournment of the deadline within which to file the required conference-related materials, a request that appeared to be made by letter filed on the very date those documents were due. In fact, the parties had every intention of filing, and in fact did file, those documents on the August 16th due date.

What Mr. Thayer was actually requesting was only the adjournment of the initial pretrial conference – scheduled, as of the date of the letter's filing, seven days hence, well in advance of the 72-hour lead time Your Honor required in the Notice of Initial Pretrial Conference, dated July 12, 2022 (DE 8) ("IPTC Notice").

While I am fully prepared to attend the initial pretrial conference as currently scheduled on August 23rd, I would respectfully request that the Court's reconsider its denial of Mr. Thayer's adjournment request on timeliness grounds, and, upon reconsideration, deem the adjournment request timely under the terms of the IPTC Notice, and grant the parties an adjournment of the conference to the week of September 12, 2022 or thereafter, as requested in Mr. Thayer's letter. I have spoken with William DeVinney, counsel for Plaintiffs, who consents to this request.¹

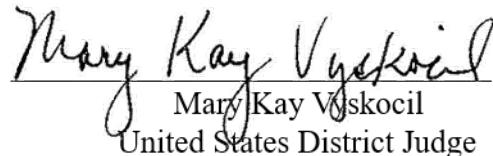
Thank you for your consideration of this request.

Very truly yours,

/s/
Jonathan Pines
Deputy Chief, General Litigation Division

**Defendant's request to adjourn the initial pretrial conference is DENIED.
SO ORDERED.**

Date: 8/18/2022
New York, New York


Mary Kay Vyskocil
United States District Judge